

FILED
DISTRICT COURT OF GUAM

MAY - 9 2006

MARY L.M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

JAE JUNE PAK,

Plaintiff,

vs.

UNITED STATES OF AMERICA and,
SIX UNKNOWN NAMES AGENTS,

Defendants.

Civil Case No. 06-00003

ORDER

On February 21, 2006, the Plaintiff, Jae June Pak, ("Pak") filed a complaint pursuant to 42 U.S.C. § 1983.¹ Pak failed to pay the requisite \$250 filing fee at the time of filing pursuant to 28 U.S.C. § 1914(a).² As a result, the Clerk of this Court sent Pak the following: 1) an Application to Proceed Without Prepayment of Fees and Affidavit; 2) a Consent to the Release of Trust Account Information and to the Collection of Fees from Trust Account Form; and 3) Instructions for Prisoner's *In Forma Pauperis* Application. Pak was also informed in the same correspondence that failure to either pay the filing fee or in the alternative failure to complete and file the *in forma*

¹ Pak has filed fourteen (14) complaints that are similar to that in the instant case. *See* Docket Nos. 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14 and 16 in CV 04-00023 and Docket No. 1 in CV 05-00021. The complaints in CV 04-00023 were subsequently consolidated into a petition for relief pursuant to 28 U.S.C. § 2255. *See* Order filed May 3, 2005, Docket No. 17 in CV 04-00023. Pak's complaint in CV 05-00021 was dismissed for failure to prosecute because he failed to pay the filing fee or submit an IFP application. *See* Order filed September 27, 2005, Docket No. 2. The Court also notes that in the instant complaint Pak fails to set forth any facts to support his allegations (the allegations are virtually identical to those contained in CV 05-00021).

² 28 U.S.C. § 1914(a) reads in pertinent part, "[t]he clerk of each district court shall require the parties instituting any civil action . . . to pay a filing fee of \$250. . ."

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1 *pauperis* application by April 7, 2006 would result in the dismissal of his complaint without
2 prejudice.

3 To date, Pak has failed to pay the filing fee, nor has he filed the *in forma pauperis*
4 application. Accordingly, since Pak has failed to pay the requisite filing fee, his complaint is hereby
5 DISMISSED WITHOUT PREJUDICE for failure to prosecute.

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7 **IT IS SO ORDERED** this 9 day of May, 2006.

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12 **JOHN C. COUGHENOUR***
13 **United States District Judge**

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* The Honorable John C. Coughenour, United States ~~Senior~~ District Judge for Western Washington,
by designation.